


SEP 24 2013

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISIONJULIA C. DODLEY, CLERK
BY: 
DEPUTY CLERK

OBADYA HANIFI ABED

v.

UNITED STATES OF AMERICA

Civil Case No. 7:01cv00356

Criminal Case No. 7:97cr00024-5

FINAL ORDER

By: Samuel G. Wilson

United States District Judge

In accordance with this court's memorandum opinion entered this day, it is **ORDERED** and **ADJUDGED** that Abed's motion (ECF No. 13) is **CONSTRUED** as a motion to vacate, set aside, or correct sentence, pursuant to 28 U.S.C. § 2255, and the Clerk is directed to **FILE** the motion as such; the § 2255 motion is **DISMISSED without prejudice** as successive; and the case is **STRICKEN** from the active docket.

Further, the court finds that Abed has not made the requisite showing of the substantial denial of a constitutional right as required by 28 U.S.C. § 2253(c) and, therefore, a certificate of appealability is **DENIED**.

ENTER: This 24th day of September, 2013.


United States District Judge